

**BENSALEM TOWNSHIP COUNCIL
MEETING MINUTES**

**Monday
August 23rd, 2021**

COUNCIL MEMBERS PRESENT:

Joseph Pilieri, Council President
Joseph Knowles, Council Vice President
Edward Kisselback, Council Secretary
Jesse Sloane, Council Member
Ed Tokmajian, Council Member

SUPPORTING STAFF PRESENT:

Russell Benner, Township Engineer
Debora McBreen, Council Clerk/Recording Secretary
Quinton Nearon, Principal Inspector
Joseph Pizzo, Township Solicitor
Phil Wursta, Township Traffic Engineer

PLEASE NOTE:

The minutes are not verbatim but rather a synopsis of what transpired during the meeting, and while I do my best to attribute remarks and questions to the correct individual, there may be mistakes or omissions because of the “back and forth” dialogue and the lack of the use of their microphone.

1. PLEDGE OF ALLEGIANCE:

Council President Pilieri opened the meeting with a moment of silence and/or prayer which was followed by the Pledge of Allegiance.

Council President Pilieri asked **Solicitor Pizzo** if there were any changes to this evening’s agenda. **Solicitor Pizzo** indicated he received an email from counsel representing Agenda Item 6, La Azteca, Inc., due to a conflict, they have asked if their hearing on their application could be tabled to a date certain of September 13th; and granting the Township an extension of time under the MPC for hearing the application. Council **Member Tokmajian** motioned to table Agenda Item 6 to a date certain of September 23rd, **Council Secretary Kisselback** seconded and the motion carried 5-0.

2. PUBLIC COMMENT:

Council President Pilieri indicated the Public Comment will be heard at the time the agenda item is heard. Seeing no one come forward, the first of two Public Comments was closed.

3. **APPROVAL OF COUNCIL MINUTES:**

Council Member Sloane indicated he had very minor editorials and would email the Council Clerk/Recording Secretary, Debora McBreen, those changes. **Council Member Sloane** motioned to approve the Council Minutes, with minor editorial corrections, from meeting date of July 26th, 2021, **Council Secretary Kisselback** seconded and the motion carried 3-0-2.

4. **CONSIDERATION AND APPROVAL TO AMEND THE CDBG SUBSTANTIAL AMENDMENT TO THE FY 2019 ANNUAL ACTION PLAN FOR CARES ACT FUNDS PLAN:**

Solicitor Pizzo indicated earlier this year, council approved a usage plan for the Townships COVID CV3 funding which are funds the Township received through the CARES Act. These are Community Development Block Grant Funds and are to be used specifically for CDBG purposes.

The plan council approved earlier this year left \$66,073.00 of those funds unallocated. The substantial amendment would have the Townships portion of the CDBG funds in the amount of \$66,073.00 allocated for use to provide legal services to assist income eligible households with issues related to housing and economic instability due to COVID-19. Specifically, what the Township would be doing would be in concert with Bristol Township and with the County, who are the three CDBG Administrators within the County. These funds would be used to assist folks as the rental moratoriums and the eviction moratoriums begin to be lifted out of the COVID-19 crisis to provide legal aide and legal assistance to those property owners, homeowners or renters who might be affected by the end of those moratoriums.

The Administration is asking council to approve the substantial amendment. It has been publicly advertised. Previously, the Townships intentions, in this regard, have been available for public inspection and review during the month of July. All of the requirements for the Community Development have been met and the Administration is asking council for their approval of the substantial amendment at this time.

Council Member Sloane indicated he knew the County had reallocated some of the COVID Relief funding to assist with some of the flooding events in July. Council has briefly discussed the possibility and was not sure what became of that discussion.

Solicitor Pizzo indicated two things, one, the COVID funds that are being discussed this evening are not the COVID funds that came by way of the U. S. Department of Treasury under the ARPA Act (American Rescue Plan Act). These are funds through the CARES Act and are specifically for Community Development purposes.

Secondly, the Township continues to work with the County as well as with Congressman's Fitzpatrick's office to find ways for the Township to use the ARPA money for assisting individuals, be they homeowners or renters with mitigation, repair and replacement of damaged property and damaged goods coming out of the July 12th storm as well as the tornado that followed two weeks later.

Council Vice President Knowles motioned to approve the CDBG Substantial Amendment for the CARES Act Plan as presented, **Council Member Tokmajian** seconded and the motion carried 5-0.

5. **CONSIDERATION AND PUBLIC HEARING ON AN ORDINANCE APPROVING THE REQUEST OF TWO BAR DUDES, LLC TO TRANSFER LIQUOR LICENSE NO. R-19579, INTO THE TOWNSHIP REPEALING ALL INCONSISTENT ORDINANCES, AND ESTABLISHING AN EFFECTIVE DATE THEREFOR:**

Solicitor Pizzo indicated the Township received an application for an inter-municipal transfer of a liquor license. This is provided for under the State Code and requires the Township to have a hearing, such as this one, when a liquor license from outside the municipality is intended to be transferred into the Township. In this case, the location that use to be Brady's Pub on Galloway Road, after it closed, following the restrictions from the Pandemic, among the steps the property owner took was to sell the liquor license. There is now an applicant who intends to open a new establishment there that would require a liquor license. The liquor license for Brady's, having been sold, it now requires a new liquor license to be brought in for that site. This hearing has been properly advertised in the Bucks County Courier Times and the Ordinance is in a form acceptable for councils' consideration, if they choose to, after hearing from the applicant.

Solicitor Max Rutkowski representing the applicant, Two Bar Dudes, LLC, submitted the Certificates of Notification to Solicitor Pizzo. Solicitor Rutkowski asked his client, Mr. Kevin Beard, owner of Two Bar Dudes, LLC, to give a short synopsis of his plans for the old Brady's Pub. Mr. Beard was sworn in and thanked council for their time proceeded with his background and plans for the old Brady's Pub. Mr. Beard indicated he saw the opportunity to open a new establishment replacing Brady's Pub with Slim's Irish Pub. Mr. Beard wants to keep the establishment as an Irish pub because his wife is Irish, and he had just lost his father-in-law "Slim" and named the pub after him.

Council Member Tokmajian asked Mr. Beard how he came up with the name Two Bar Dudes, LLC.

Mr. Beard told the story of how he and his father-in-law would go out to different bars and when they would return home his father-in-law would tell his wife they are just "Two Bar Dudes".

Council Secretary Kisselback asked for confirmation regarding Brady's Pub Liquor License being sold and asked the applicant if he was acquiescing a license from another location.

Solicitor Rutkowski indicated the license was coming from another location.

Council Vice President Knowles was inquiring if the license from Southampton was a restaurant license.

Solicitor Rutkowski indicated it was a "R" license which is a Retail Restaurant license.

Solicitor Pizzo indicated the site that formerly had a liquor license is going to have it again under the same circumstances, the same kind of operation that existed prior, the applicant will not be doing anything beyond that when it was previously Brady's Pub.

The notices that were provided to Solicitor Pizzo for this hearing to the public appear to be in order.

Council President Pilieri asked if there was anyone in the audience that would like to speak for or against this application. Seeing no one come forward, the public comment portion for this applicant was closed.

Council Secretary Kisselback motioned to approve the Liquor License transfer for Two Bar Dudes, LLC license number R-19579, **Council Member Tokmajian** seconded, and the motion carried 5-0.

Solicitor Pizzo indicated for the public, this is only one step for the process, the applicant still has to get approval from the State Liquor Control Board for the license and all other requirements associated with a liquor license.

6. CONSIDERATION OF A FINAL LAND DEVELOPMENT FOR:

| | |
|-------------------------------|-------------------------------|
| Applicant: | La Azteca, Inc. (Cruz) |
| Location: | Street Road & Castle Drive |
| Proposed Use: | Retail |
| Zoning Classification: | GC - General Commercial |
| Tax Parcel: | 2-37-39 & 2-37-40 |

This matter was tabled by a prior motion to a date certain of September 13th, 2021.

7. CONSIDERATION AND APPROVAL OF ADOPTING AN ORDINANCE AMENDING THE TOWNSHIP ZONING ORDINANCE PART II CHAPTER 232 TO AMEND THE FOLLOWING ARTICLES AND SECTIONS: ARTICLE V, SECTIONS: 232-110, 232-124, 232-138, 232-152, 232-166, 232-180, 232-196, 232-226, 232-310.2, ARTICLE VII, SECTIONS: 232-356, 232-357, ARTICLE VIII, SECTIONS: 232-380, 232-408, ARTICLE IX, SECTIONS: 232-434, ARTICLE X, SECTIONS 232-436, ARTICLE X-A, SECTIONS: 232-493, ARTICLE XI, SECTIONS: 232-532, ARTICLE XIII, SECTIONS: 232-586:

Solicitor Pizzo indicated before council this evening, is a culmination of nearly 2 years' worth of work with the United States Department of Justice. As council will recall, a number of years back the Township was sued in Federal Court by an Entity, the Bensalem Masjid. The lawsuit arose from the denial by the Township's Zoning Hearing Board of a use variance for a construction of a proposed mosque on Hulmeville Road.

The litigation was ultimately resolved by way of a settlement agreement which involved the Townships insurance carrier. There were two facets to the settlement. One, between the Township and the Masjid directly, the other as to the Department of Justice. The aspect of the settlement involving the Department of Justice, the Township agreed it would engage the services of a Land Planner to review the entirety of the Township's zoning ordinance.

The purpose of that review was to determine where, if at all, the ordinance might conflict with the Federal Religious Land Use and Incarcerated Persons Act or RELUIPA, as it is commonly referred, and that was part of the allegations that were levelled by the Township in the underlying litigation.

The Township engaged in the services of the Land Planner who made a number of recommendations largely involving the Township's Institutional zone and how this zone applies to places of worship within the Township. Specifically, the review identified the fact most of the houses of worship within the Township, and there are many, exist on parcels of land that are four acres or smaller. The Townships Institutional zone, however, requires at least four acres of land for a religious place of worship to locate.

The lion share of the work the Township went about, and the lion share of the ordinance before council, went to address that disparity and created a new set of zoning classifications for religious land use on parcels of land greater than one acre, but less than four. Those dimensional changes have been vetted with the Department of Justice and their professionals and the Township has reached an agreement as to those and those set forth in the ordinance this evening.

The other aspect of the review the Department of Justice raised were what they believe to be conflicts between places of assembly for non-religious purposes and places of assembly for religious purposes. Their strong belief is the Township ordinance needed to be revised so that wherever the zoning ordinance allows for a place of assembly that is non-religious in nature, the ordinance also needs to allow a place of assembly is religious in nature. In some cases, there is logic to that and in some cases, in the practical application, it makes little sense. The Township underwent a long and spirited negotiation with the Department of Justice over the last two years, which was interrupted somewhat, by COVID. The Township has landed on an agreement with the Department of Justice within the zoning ordinance as to changes that would be made so as to bring the ordinance into what the Department of Justice believes is full compliance with the RELUIPA statute.

At this point, what is before council this evening, are those changes the Township has negotiated with the Department of Justice and the Department of Justice is in agreement with and the Township believes, upon adoption, if council chooses to do so, the ordinance will bring the Township zoning ordinance into full compliance with the Religious Land Use Act and should save the Township from any future attacks by any other organizations, be they merit or meritless, as the Township believes the lawsuit that was brought against the Township several years was, but nonetheless help the Township in any future claims.

Council did meet in an Executive Session on August 10th, 2021. Present were the five members of council, the Mayor and Township Solicitor. Discussed were the terms of the settlement of the lawsuit with the Department of Justice and how the proposed ordinance fit into that settlement. Council was also briefed on the language of the ordinance prior to receiving copies of the document.

The ordinance has been properly advertised in the Bucks County Courier Times and is in a form acceptable for councils' consideration, and hopefully adoption, this evening.

Council Member Sloane indicated council has discussed this before and wanted to clarify, or reiterate, these changes do not affect any existing developments in the Township and asked if those would be “grandfathered” in.

Solicitor Pizzo indicated that would be correct.

Council Member Sloane asked what about any proposed developments already submitted to the Township for approval but have not yet received that approval.

Solicitor Pizzo stated any application into the Township for land use or zoning that was submitted prior to the first advertisement of this ordinance, which was on August 11th, 2021, would be protected against the changes that result from the adoption of the ordinance. There is a thing referred to as the “Pending Ordinance Doctrine” which prevents developers from racing to the Townships Building and Planning office ahead of the adoption of the ordinance. Anything that came in August 10th or prior would be protected against any of the changes in this ordinance.

Council Member Sloane asked if there was anything pending that may have an issue with this ordinance.

Solicitor Pizzo indicated nothing to his knowledge.

Council Secretary Kisselback indicated the Institutional would be four acres and now it is changed to one acre for non-religious or non-institutional, then asked if a religious institution was now capable of going into a one-acre property?

Solicitor Pizzo indicated within an institutionally zoned piece of land, yes. Part of the back and forth with the Department of Justice would have had either the Township eliminating the Institutional zone and having religious uses in all of the other zones of the Township, by right, which then starts to run into significant problems in terms of enforcement and in terms of taking what is otherwise taxable property off of the tax rolls or revising the Institutional zone where religious houses of worship are allowed by right and changing the dimensional requirements within that zone so as to allow religious uses on smaller lots.

Council Secretary Kisselback indicated an Institutional establishment needs only to be one acre.

Solicitor Pizzo responded yes, and you will still have to comply with all of the things you would have to comply with, but, as a jumping off point, assuming it could fit, you could put your house of worship on a one-acre lot. Part of the litigation involving the Masjid was the fact that the building they wanted to build did not fit on the property they obtained to build it on. The ordinance does not change the concept of whatever you want to build does not have to fit on the piece of ground that you are trying to build on.

Council Secretary Kisselback indicated the definition of institutional is, then asked for a brief synopsis of the term.

Solicitor Pizzo indicated Institutional uses within the Township primarily are governmental and religious and proceeded to read the definition from the Municipal Code Book. Institutional

uses include educational or academic, those would be public, private parochial, colleges or universities, secondary schools, elementary schools, day schools, kindergartens or other educational or academic institutions. Religious institutions include convents, monasteries, temples, and one of the things that the Township has done to address the lawsuit is to specifically include the phrase mosque. Outdoor recreational institutions such as parks, wildlife sanctuaries, country clubs, golf courses, outdoor non-profit sports facilities, privately owned community institutions such as libraries, museums, art galleries, childcare centers, a cemetery, a public service cooperation facility such as a telephone office, a post office or the like, or a municipal use, such as the building we are in, the adjacent central park, the amphitheater, those are all permitted uses within the Institutional district. Institutional use which are allowed by exception would include hospitals, sanitariums, medical or health centers, convalescent homes, nursing homes, heliports, radio or television towers.

Council Secretary Kisselback asked for clarification if Institutional, is in fact, non-taxable real estate.

Solicitor Pizzo indicated yes, but there could be exceptions. These are uses that would not end up on the tax rolls.

Council President Pilieri asked if there was anyone in the audience that would like to speak for or against this ordinance change. Seeing no one come forward, the public comment portion for the ordinance change was closed.

Council Secretary Kisselback motioned to approve the ordinance to amend the Township Zoning ordinance, Council Member Sloane seconded and the motion carried 5-0.

8. **CONSIDERATION AND APPROVAL OF ADOPTING AN ORDINANCE AMENDING CHAPTER 232 – “ZONING” TO CREATE A NEW ARTICLE VIII, DIVISION 3 SRM – “STREET ROAD MIXED USE DISTRICT” :**

www.bensalempa.gov

or

www.youtube.com

The applicant’s verbatim testimony begins at the 32:54-minute mark and ends at the 3:50:38, which includes the Public Portion of this agenda item. A short synopsis of the hearing is as follows:

Solicitor Pizzo indicated the proposed ordinance for agenda item eight was advertised in the Bucks County Courier Times and the Township is in possession of the proof of advertisement. The property that is proposed to be re-zoned for agenda item nine, that re-zoning was similarly advertised in the Bucks County Courier Times and the property was posted by the Township Building and Planning department and proof of posting is on file with the Township. Solicitor Pizzo asked the applicant for the proof of notices to the adjacent property owners for agenda item ten.

Eric Goldberg who is affiliated with Stark and Stark, introduced himself as the attorney for the applicant. The proof of notices were handed to Solicitor Pizzo for inspection.

Solicitor Goldberg indicated the application involved is for the Armstrong Tract. The applicant is seeking an ordinance amendment, a map amendment and a land development. The

site is not the most attractive site and what is going to be proposed will certainly be approving it from an aesthetic standpoint, a financial revenue standpoint, a zoning standpoint and a functional standpoint. What is currently vacant useless land will be replaced by combination of commercial, residential, retail and open space. A productive use that will look very attractive and be a very nice beneficial to Bensalem on a significant Street Road Corridor.

In terms of some of the specifics, there is approximately 293,000 square foot of space in this mixed-use project. There will be 40 units of residential, 44,000 square foot of space devoted to office use which will be utilized by the offices of Boston Market and their Corner Bakery. There is an additional 175,000 of retail space, which is of a mixed use, as well as open space and various other improvements such as lighting, landscaping, parking and things of that nature.

There is a series of professionals who will be speaking this evening. They are as follows:

Mr. Tom Comitta, is a Town Planning and Landscaping Architect with significant experience, particularly and most notably the mixed-use development in Newtown.

John Koutsouros is the Civil Engineer for the project.

Greg Bianchi is the Commercial Real Estate expert with experience most notably for the Warrington project, Valley Square.

Mike Patel is a Residential Real Estate expert.

Charles Swanson is an Economist, he is a doctor at Temple University.

Solicitor Goldberg stated, unfortunately, their Traffic Engineer is unavailable due to a COVID related issue.

Council President Pilieri asked for the professionals who will be giving their testimony to come forward to be sworn in.

Solicitor Goldberg offered Mr. Comitta as a Land Planner in Pennsylvania.

Solicitor Pizzo indicated he would be so accepted.

41:25 – 1:13:58

Mr. Comitta approached the podium and presented an overall summary of his qualifications and experiences. Mr. Comitta serves as the Municipal Planning Consultant to 23 Municipalities in Pennsylvania. He explained how the first couple of drafts of the ordinance amendment, which was originally submitted, did not include Appendix A. Mr. Comitta presented Appendix A, Article VIII, Division 3, Street Road Mixed Use District, Section 232-413.6.1 Written and Graphic Design Standards for The Hub at Bensalem. The overall review consisted of the following: Architectural Style & Elements, Building, Building Massing, Scale and Facades, Site Development & Streetscapes Design, Public Spaces & Amenities, Signage and Lighting, Walls, Fencing and Landscaping, and Outdoor Dining and Sidewalk Cafes.

Questions from Council:

Council Vice President Knowles questioned the size of the buffer along Hansell Drive.

Mr. Comitta indicated that would be a question for Mr. Koutsouros the Civil Engineer for the project.

Solicitor Goldberg offered Mr. Koutsouros as a professional Civil Engineer.

1:14:20 – 2:37:34

Mr. John Koutsouros, Civil Engineer, approached the podium and presented a brief description of his qualifications. Mr. Koutsouros reviewed the plans that are on file with the Township giving an overview of the 34-acre site along with the mixed uses and specifically speaking on the stormwater management and design for a “1,000-Year Storm”.

Questions from Council:

Council Member Sloane asked Mr. Koutsouros if anyone ever designs for a “1,000-Year Storm”.

Mr. Koutsouros replied never, the highest design is for a “100-Year Storm”.

Council Member Sloane asked about a general torrential rainstorm which does produce a significant amount of rainfall in a short period time, how are those homes going to be impacted by this development, whether positive or negative, what is the change of flow.

Mr. Koutsouros replied the change of flow is very drastic and referred to specific areas on the plans as points of interest, particularly the one along Hansell Drive. He explained in great detail how their stormwater management will reduce the flooding in this area.

Council Vice President Knowles indicated a “100-Year Storm” doesn’t necessarily happen every 100 years because Hansell Drive flooded in 1980.

Mr. Koutsouros indicated that is correct and explained these are State standards. These are the standards they abide by and use to make sure they are conforming to the way rainfall typically happens.

Council Member Sloane asked for the Township Engineer’s opinion.

Township Engineer Benner indicated, in great detail, you have to put it into context as to what is going on around this particular development. It is one thing to talk about inches of rainfall and how fast it occurs, this particular development is part of a 178-acre drainage area that comes down to Hansell Drive. The thing to remember, that is important, the stormwater that is going to come off of this site from the underground retention basins, is going to interact with the stormwater that comes from the offsite area. The Township has questions on how the existing pipe is going to interact with the facility on site, then the predications and the calculations show they can change in a negative way.

A very extensive conversation occurred between the Council members who had many questions for the Township Engineer regarding the stormwater management.

Mr. Koutsouros indicated this needs to be done as soon as possible before the next hurricane hits, because if there is nothing done to this property and it is left the way it is there will be more flooding.

Mr. Koutsouros summarized his testimony stating the overall property boundary is 34.90 acres, impervious coverage is currently 57%, which is well under the industry standard. They have multiple front yard and rear yard setbacks. Open Space is currently 31% which is located in the upper northeast portion of the property consisting of 5 acres and can be used by the Township residents. The setbacks are very standard, building setbacks, landscape setbacks. There is extensive landscaping around the property, along Street Road, along the buffers of the neighborhood, which is the basic overall scheme of the project.

A conversation ensued regarding the open space portion of the property and whether it would be dedicated or deed restricted. It was finally determined the open space would be deed restricted.

Mr. Koutsouros indicated they will be complying to mostly all of the zoning question listed in the memo by the Township Engineer, Mr. Benner. Section 232-413.3, Lot Area and Width Regulations, number 1 last sentence, which reads: "We shall defer to the Bensalem Township Council for a determination as to whether or not the proposed density is acceptable". Previously they were at 25 dwellings, but with this change, it goes to 40 dwellings for the site. The comment asks for Council's opinion on the statement.

Council President Pilieri indicated Council will not give that determination now, they would like to hear the whole presentation.

Mr. Koutsouros indicated Section 232-413.3, Lot Area and Width Regulations, number 4 to increase the maximum impervious surface coverage from 60% to 65%. The applicant cannot increase it to 65% because of the overflow parking.

A discussion ensued regarding parking spaces, the Township zoning ordinance and the proposed Mixed-Use zoning ordinance and the difference regarding parking spaces.

Solicitor Pizzo indicated, as part of the discussion on the creation of a new zoning district, which could be applied not only to the Armstrong property, if Council were to adopt as proposed, but to any other 30-acre parcel along the Street Road corridor. Whatever it is you are going to do for this site theoretically you are doing for any other site along Street Road that would meet the minimum lot acreage. Please keep this in mind during the deliberations.

A lengthy discussion ensued regarding buffers, setbacks, landscape buffers, along with parking for residential.

Mr. Koutsouros indicated on page 8, letter (E) Chapter 232- Zoning Ordinance, number 1, letter (b), is asking the applicant to include employee parking requirements for the restaurant parking spaces. Mr. Koutsouros reiterated the 4.8 is more than the shared parking in which they are including in their current parking calculations. It is all included, all together, all consolidated.

Solicitor Pizzo asked Mr. Koutsouros if this plan was not one of the record plan sheets. Mr. Koutsouros said it was the consolidated parking plan. Solicitor Pizzo indicated the 199 parking spaces are not shown on the record plan. Mr. Koutsouros indicated that was correct. Solicitor Pizzo asked if the 199-parking space get built, they'll encroach into the 5 acres of open space? Mr. Koutsouros res indicated, slightly. Solicitor Pizzo asked how much is slightly. Mr. Koutsouros stated he believes they lead into it by a half acre.

Council President Pilieri indicated if the applicant is going to dedicate the land now to open space the applicant will not be able to encroach into the land because it is dedicated open space.

Mr. Koutsouros stated they will not be able to dedicated that portion of land at this time incase Council makes the applicant go into the overflow parking.

Council President Pilieri asked Mr. Koutsouros what is the size of the land and what is being dedicated.

Mr. Koutsouros stated that would get them more into the Land Development portion of the presentation and not the Zoning which is currently being discussed.

A discussion ensued regarding the open space and the overflow parking areas and deed restricted land.

Solicitor Pizzo indicated, typically what the Township has been done in the past with a property that size were to be dedicated to the Township, it would be done so with the written and recorded understanding the acreage would still count for the remainder if for things like meeting open space requirements regarding impervious surface coverage, building coverage and the like.

The Township would not want to deprive someone who wants to donate land to the Township of the ability in the future to turn around and say, had I kept those 5 acres my percentages are here, here and here, the Township can do that by agreement and the land would still count against the remaining 25 acres in the future, if that is what everybody agreed would happen. Even if it became the Townships property the Township could by agreement say the land would count against what would then be the 25-acre Armstrong piece for any future zoning calculations or landless calculations.

The Township does not want the donation of land to be a disincentive to the developer because he is saying I am then going to limit what I might be able to do in the future by making my property 5 acres smaller.

Mr. Koutsouros wanted to make sure everyone was clear on Mr. Comitta's spot zoning. All of the items the applicant did not touch on in Engineer Brenner's memo are a will comply and resolve them as the Township Engineer wishes.

A brief recess was taken at this time 2:37:52 and the meeting resumed at 2:41:09.

Solicitor Pizzo indicated, during the break he had an opportunity to speak with Council and applicants on agenda items 11 and 12. It appears with the hour already being 10:10 P.M., Council is not likely going to reach agenda items 11 and 12 and both applicants have agreed to grant the Township an extension of time to hold the hearings for those respective applications. Mr. Murphy is here on behalf of the applicant, number 11 which is the proposed Marriott Hotel. It was suggested tabling Mr. Murphy's agenda item to a date certain of September 13th and would ask for an extension of time under the MPC through and until the end of October for the Township to act on the plan. Mr. Murphy concurred with that and granted the extension. If Council is of a mind, a vote at this time to table agenda item 11 to a date certain of September 13th. **Council Member Tokmajian** motioned to table agenda item 11 until a date certain of September 13th, **Council Member Sloane** seconded and the motion carried 5-0.

The applicant on agenda item 12 Mr. Odessa is also here this evening, the same would be in place for that application. In reviewing their application paperwork, it appears to have a waiver of the MPC. The appropriate action, at this point, if Council is of a mind, would be to table agenda item 12, the minor subdivision for All American Fireworks to a date certain of September 13th. **Council Secretary Kisselback** motioned to approve, **Council Vice President Knowles** seconded and the motion carried 5-0.

In speaking with counsel for the applicant currently before the board, Mr. Goldberg still has several witnesses to be called. However, there are a number of members of the public who have been here this evening and council would like to hear from them as well. Mr. Goldberg and Solicitor Pizzo discussed they would call their next witness and hear testimony up until 10:30 P.M. at which point of time Council would extend its curfew in order to hear comments from the public up to the curfew of 11:00 P.M. All of this is with an eye toward the fact that this hearing is not going to conclude this evening. The re-zoning and the zoning ordinance do not require an extension of time. However, the proposed land development would, and believes the extension of time that is currently on the record for that with the Township is through until the end of August. At this juncture, the Township would ask for an extension of time until the end of October on the land development application for 2201 Street Road.

2:47:42 - 3:06:39 **Greg Bianchi**, Commercial Real Estate Professional, presented an overall summary of his experiences and qualifications. Mr. Bianchi explained how Mixed-Use developments are one of the most sought-after developments and presented a Mixed-Use Retail report pertaining to the property at 2201 Street Rod.

Council President Pilieri indicated the things Mr. Bianchi talked about the Township has tried, in the past, to bring high-end retail businesses into the Township such as Trader Joes, Costco and Wegman's, which all have declined the opportunity due to demographics and the medium income for Bensalem Township residents.

A conversation ensued on presentation to the retailer of the overall project, demographics, salaries, curb appeal, a package deal and the belief of a better opportunity with a mixed-use project.

3:07:14 - 3:46:24 **Public Comment:**

Natasha, 2047 Hansell Drive, indicated she was not for the mixed-use project and had concerns regarding the drainage system.

Coleen Slaweski, 2032 Hansell Drive, indicated the applicant was told by the Township to use the property at 2201 Street Road as Mixed Use. Council President Pilieri told Ms. Slaweski her source was incorrect. Pleaded with Council to reject the property.

Eijaz Mulla, 2500 Knights Road, spoke about the recreational use The Hub has given to him and his fellow cricket players and recreational football and volleyball.

Joann Kelly, 1919 Hansell Drive, is against the mixed-use project and expressed how there is no way all of what the applicant is proposing is going to fit on 30 acres.

Jennifer Lapence, 2073 Hansell Drive, was against the mixed-use project and the thoughts of a gas station proposed for the area, which is directly in back of her house, was quite alarming.

Paul Rottloff, 1936 Hansell Drive, indicated with or without the Hub everyone is betting this one pipe is going to do the job. Mr. Rottloff asked if anyone has looked at it and is there anyway it can be improved. The flooding that happened in the 70's and 80's were they 100-year storms?

Council President Pilieri indicated the Township Engineers are doing a complete study of the area regarding stormwater management and the Township will have this report before the next Council meeting on September 13th.

Solicitor Pizzo indicated in April of 2019 the five members of council were asked to consider, at that time, an application from this developer, the creation of a mixed-use zone, and the re-zoning of this property to the mixed-use zone. The application was denied 5-0. To the extent that anyone out there is thinking the Township is directing this property be developed mixed use, you can look back and turn the calendar back two years. Again, some of those present this evening were there that night in April of 2019, Council denied the application 5-0.

Solicitor Pizzo stated the appropriate action at his point will be to confer with the applicants Solicitor, Mr. Goldberg to determine a date certain for the applicant to return.

Solicitor Pizzo indicated, if Council is agreeable, the applicant asked to table all three items, 8, 9 and 10, to a date certain of September 13th. Between now and then, if it is determined if it is not ready to continue on September 13th the Township can notify the public the application will be pushed into the month of October.

Council Member Sloane motioned to table the item until September 13th but had the same concerns Council President Pilieri had as to the other applicants that were tabled until the September 13th agenda. Solicitor Pizzo, explained in length, the conditions and/or changes the applicant will need to consider from Council, the Township Engineer, Mr. Benner and the public. If the applicant needs more time and will not be able to be considered on September 13th, the notice will be posted to social media and to the Township website www.bensalempa.gov. **Council Member Tokmajian** seconded and the motion carried 5-0.

9. CONSIDERATION AND PUBLIC HEARING ON AN ORDINANCE REGARDING THE RE-ZONING OF:

Applicant: 2201 Street Road. LLC
Location: 2201 Street Road (The Hub at Bensalem)
Proposed Use: Commercial & Residential
Zoning Classification: SRM
Tax Parcel: 2-33-26

This matter was tabled by a prior motion to a date certain of September 13th, 2021.

10. CONSIDERATION OF A REVISED PRELIMINARY LAND DEVELOPMENT FOR:

Applicant: 2201 Street Road. LLC
Location: 2201 Street Road (The Hub at Bensalem)
Proposed Use: Commercial & Residential
Zoning Classification: SRM (regarding proposed approval of agenda item 9)
Tax Parcel: 2-33-26

This matter was tabled by a prior motion to a date certain of September 13th, 2021.

11. CONSIDERATION OF A PRELIMINARY AND FINAL LAND DEVELOPMENT:

Applicant: Deepak Patel/Ashtavinayaka Hotels, LLC (Street Rd. Marriott)
Location: 4700 Street Road
Proposed Use: Hotel
Zoning Classification: GC – General Commercial
Tax Parcel: 2-3-7-4

This matter was tabled by a prior motion to a date certain of September 13th, 2021.

12. CONSIDERATION OF A MINOR SUBDIVISION:

Applicant: Anthony Odessa (All American Fireworks)
Location: 525 Public Safety Way
Proposed Use: Retail Store Addition
Zoning Classification: H-C1 – Highway Commercial District
Tax Parcel: 2-1-34

This matter was tabled by a prior motion to a date certain of September 13th, 2021.

15. **PUBLIC COMMENT:**

Alan Windsor, 3232 Azalea Avenue, 2 trees are blocking the creeks behind Faulkner and asked if there was anything the Township could do. **Council President Pilieri** asked **Quinton Nearon, Township Principal Inspector**, if he could take a look at the property in question and see who is responsible. Mr. Windsor asked if the Township could use the trees in their “tree bank” to fill in the buffer between Faulkner and the trailer park because they are completely gone. **Council President Pilieri** indicated the trees from the “tree bank” cannot be used on private property, but will look into what the possibilities are regarding the buffer.

14. **CONSIDERATION OF A REDUCTION OF PERMIT FEES FOR THE CHRISTIAN LIFE PRISON AND RECOVERY MINISTRIES, 3100 GALLOWAY ROAD, EVENT DATE: SEPTEMBER 11TH, 2021.**

Council Member Tokmajian motioned to approve the reduction of permit fees for the Christian Life Prison and Recovery Ministries, 3100 Galloway Road, **Council Secretary Kisselback** seconded and the motion carried 5-0.

13. **CONSIDERATION AND PUBLIC HEARING OF AN ORDINANCE AMENDING CHAPTER 225 “VEHICLES AND TRAFFIC” ARTICLE II – TRAFFIC REGULATION, SECTION 6, APPENDIX A SHALL BE AMENDED TO ADD THE FOLLOWING:**

| <u>Stop Sign</u> | <u>Direction of Travel</u> | <u>At Intersection Of</u> |
|-------------------------|-----------------------------------|----------------------------------|
| Linconia Avenue | Northbound & Southbound | Linconia Avenue and Cedar Avenue |
| Cedar Avenue | Eastbound and Westbound | Linconia Avenue and Cedar Avenue |

Solicitor Pizzo indicated item 13 was advertised, just a motion to table it to a date certain of September 13th should be fine. **Council Member Sloane** motioned to table agenda item 13 to a date certain of September 13th, **Council Secretary Kisselback** seconded and the motion carried 5-0.

16. **OTHER BUSINESS:**

At this late hour, there was none discussed.

17. ADJOURNMENT:

There being no other business to discuss, **Council Member Sloane** motioned to adjourn.

The Bensalem Township Council Meeting of August 23rd, 2021 can be viewed in its entirety at the following websites:

www.bensalempa.gov

or

www.youtube.com

Respectfully Submitted,

**Debra F. McBreen
Recording Secretary**